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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/096,560	06/12/1998	RAYMOND WALDEN BENNETT III	A00424(AMT-9	1956

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EXAMINER

CUMMING, WILLIAM D

ART UNIT PAPER NUMBER

2617

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/096,560

Applicant(s)

BENNETT ET AL

Examiner

WILLIAM D. CUMMING

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on September 11, 2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sizer, II, et al** in view of **Snelling, et al** and admitted prior art.

**Sizer, II, et al** disclose all subject matter claimed, except for a wireless local loop transceiver capable of establishing a wireless local loop point to point link to a geographically separate, non-mobile base station which is attached to the PSTN.



integrating the security and home automation features with information services.

Hence, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to incorporate the use of a wireless local loop transceiver capable of establishing a wireless local loop point to point link to a geographically separate, non-mobile base station which is attached to the PSTN, as taught by **Snelling, et al**, in the home gateway system of **Sizer, et al** in order to provide a local loop in places which does not have an existing cable or telephone communication infrastructure facilities.

Regarding smart card interface, voice processing system, speaker verification module and speech recognition, these are old and well known features of an alarm or security system and the Examiner also takes Official Notice as such in the Office action dated November 22, 2000 and now admitted prior art.

It would have been very obvious to incorporate the old and well known features like the smart card interface, voice processing system, speaker verification module and speech recognition in the prior art security system in order to the user to easily operate, like through verbal commands, the home security system.

*"In considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom."* In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968). The rationale supporting an obviousness rejection may be based on common knowledge in the

art or "well-known" prior art. The examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art. In re Ahlert, 424 F.2d 1088, 1091, 165 USPQ 418,420 (CCPA 1970). If justified, the examiner should not be obliged to spend time to produce documentary proof. If the knowledge is of such notorious character that official notice can be taken, it is sufficient so to state. In re Malcolm, 129 F.2d 529, 54 USPQ 235 (CCPA 1942). If the applicants traverse such an assertion the examiner should cite a reference in support of his or her position. **If applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). A seasonable challenge constitutes a demand for evidence made as soon as practicable during prosecution.** Applicants have not seasonable challenge or traverse the well known statement during examination. If something is prior art, it is taken as being available as prior art against the claims. Admitted prior art can be used in obviousness rejections. In re Nomiya, 509 F.2d 566, 184 USPQ 607, 610 (CCPA 1975).

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Sizer, II, et al** in view of **Snelling, et al** as applied to claim 1 above, and further in view of **Storek, et al** for the same reason as stated in paragraph 9 of the Office action dated November 30, 2004.

7. Claims 3-5 and 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sizer, II, et al** in view of **Snelling, et al** as applied to claim 1 above, and further in view of **Launey, et al** for the same reason as stated in paragraph 10 of the Office action dated November 30, 2004.

8. Claims 1, 3-6 and 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Launey, et al** in view of **Snelling, et al**.

**Launey, et al** disclose all subject matter, note paragraph 11 of the Office action dated November 30, 2004. **Snelling, et al** teaches the use of a home gateway system (figures 12A-13B) comprising a wireless local loop transceiver (#680) for the purpose of integrating the security and home automation features with information services.

Hence, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to incorporate the use of a wireless local loop transceiver capable of establishing a wireless local loop point to point link to a geographically separate, non-mobile base station which is attached to the PSTN, as taught by **Snelling, et al**, in the home gateway system of **Launey, et al** in order to provide a local loop in places which does not have an existing cable or telephone communication infrastructure facilities.



9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Sizer, II, et al** in view of **Snelling, et al** as applied to claim 1 above, and further in view of **Storek, et al** for the same reason as stated in paragraph 12 of the Office action dated November 30, 2004.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Williams, et al** disclose a wireless local loop radiotelephone systems by providing the home access network of a subscriber unit with a home access number. Upon registration of the subscriber unit with its home access network, the home access number is transmitted to the subscriber unit for storage there. When the subscriber unit moves to a visited access network and registers there, the subscriber unit transmits the home access number to the visited access network, which uses the home access number to contact the home access network. Since all call originations and terminations by and to the subscriber unit occur via the individual subscriber line appearance at the PSTN, a minimum of special network elements are required for subscriber unit mobility when the home access number is stored at the subscriber unit.

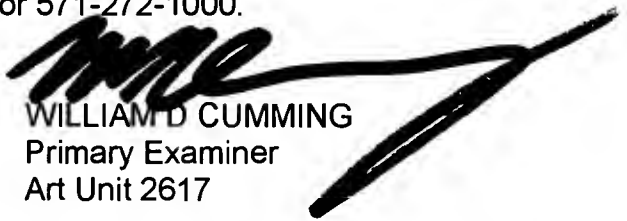
**Baldwin, et al** show a multifunction sensor provides a plurality of parameter sensors in one sensor module which can interface with and control operation of one or more processor control systems in an occupied space networked environment such as a commercial building. The multifunction sensor comprises at least an occupancy sensor, an ambient light sensor, and a temperature sensor. A common network communications and control processor is coupled to a common communication transceiver, and are shared in common by the occupancy sensor, the ambient light sensor and the temperature sensor, such that the multifunction sensor can interface with and control operation of one or more processor control systems. A plurality of the multifunction sensors are placed at different locations throughout the building. The multifunction network sensor system further comprises energy management and security controller systems, and a common data communication network which connects to the multifunction sensors and the controller systems to form a local operating network in the building. Each multifunction sensor is assigned a unique location address, and can transmit and receive data, including its own unique address, over the data communication network.

12. If applicants wish to request for an interview, an "*Applicant Initiated Interview Request*" form (PTOL-413A) should be submitted to the examiner prior to the interview in order to permit the examiner to prepare in advance for the interview and to focus on the issues to be discussed. This form should identify the participants of the interview, the proposed date of the interview, whether the interview will be personal, telephonic, or video conference, and should include a brief description of the issues to be discussed. A copy of the completed "*Applicant Initiated Interview Request*" form should be attached to the Interview Summary form, PTOL-413 at the completion of the interview and a copy should be given to applicant or applicant's representative.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **WILLIAM D. CUMMING** whose telephone number is **571-272-7861**. The examiner can normally be reached on Monday-Thursday, 11:00am-8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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